Die Jovis 11° *Februarii*, 1790.

IT is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Rules and Orders to be observed in the Upper House of Parliament, be forthwith Re-printed and Published, and that the Clerk of this House do appoint the Re-printing thereof.

William-Watts Gayer,
Edward Gayer, } Cler' Parliamentor'

BY *Virtue of the foregoing Order, We do appoint* William Sleater, *to Print the said Rules and Orders, and do forbid any other Person or Persons to Print the same.*

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RULES AND ORDERS

TO BE OBSERVED IN THE

UPPER HOUSE of PARLIAMENT

OF

IRELAND, Lords, House of.

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RULES AND ORDERS

TO BE OBSERVED IN THE

UPPER HOUSE of PARLIAMENT,

Beginning of the Parliament.

I. 2d Nov. 1692. THE firſt Work commonly done either at the beginning of a Parliament or of a Seſſion, after Prayers are ſaid, is, that ſome Bill *pro formâ* be read, and then a Motion is to be made for a Committee to be choſen out of the Houſe,

Houſe, which ſhall ſtand all the Seſſions, to review the Orders of the Houſe, and ſee from Time to Time, that they be duly obſerved; as alſo for other ſtanding Committees of Religion, Trade, Privileges and Grievances, &c.

Form of Writs.

2. IF there be any Difference in the form or Stile of the Writs from the Antient, it is to be examined how it cometh, and a ſtrict Courſe taken for Puniſhing for the Time paſt, and for future Amendment.

Introduction of Peers.

3. RESOLVED, that all Peers of this Realm by Deſcent, being of the Age of Twenty-one Years or upwards, may come and ſit in the Houſe of Peers, without any Introduction; no ſuch Peers ought to pay any Fees to any Herald upon their firſt coming into the Houſe of Peers, neither ſhall they be introduced into the Houſe by any Herald, or with any Ceremony, tho' they ſhall deſire the ſame.

UPON

4. UPON the Introduction of any Lord or Peer into the Houſe, that neither in his own Perſon nor in his Anceſtors ſat there before, he is to be brought in his Robes, attended by the King at Arms and Gentleman Uſher, ſupported by two of his own Bench, and to bring his Patent, or the Inrollment thereof, and his Writ along with him; and after he is ſworn and hath ſubſcribed, then to take his Place.

5. 9th Feb. 1784. RESOLVED, that every Peer of this Realm claiming by virtue of a ſpecial Limitation in Remainder, and not claiming by Deſcent, ſhall be introduced.

Oaths

Oaths and Subſcriptions.

6. 2d Nov. 1692.

EVERY Lord, before he be admitted to ſit in the Houſe, is to take the Oaths, and ſubſcribe the Declaration, purſuant to the Act made in *England*, in the third Year of the Reign of our Sovereign Lord and Lady, King William and Queen Mary, intitled, an Act for abrogating the Oath of Supremacy in *Ireland*, &c. And by an Act paſſed in this Kingdom in the 21ſt and 22d Geo. 3. ch. 48, intitled, an Act for extending certain of the Proviſions contained in an Act, intitled, an Act confirming all the Statutes made in *England*. And no Lord is to leave the Service of the Houſe, tho' with the Leave of the Houſe, for above ſeven Days, without leaving his Proxy.

Reſpect

Reſpect to the Houſe.

7. BEFORE the Houſe ſit, ſo much Reſpect is to be had to the Room, that none but Members of the Houſe ought to be covered there, not ſo much as the eldeſt Son of any Peer whatſoever, unleſs he be called by Writ; neither is any other Perſon to ſtay there, or any Attendant of any Nobleman, but whilſt he brings in his Lord, and then he is to retire himſelf: When the Houſe is ſat, every Lord that ſhall enter is to give and receive ſalutations from the reſt, and not to ſit down in his Place until he has made Obeiſance to the Cloth of State.

Order

Order of Sitting.

8. THE Lords are to ſit in the ſame Order as they do at his Majeſty's or his Deputy's being there, except that the Lord Chancellor ſitteth on the Wool-Sack, as Speaker to the Houſe, and the Lord Treaſurer on the Earl's Bench.

Adjournment.

9. AT the Beginning of the Parliament, before it be met, if the Day be adjourned, it is done by Writ, which is directed to both Houſes; and in that caſe the Houſe of Commons is to be called in, and to ſtand

ſtand uncovered below the Bar, but not before the Lords be all ſat, who ſitting and being covered, the Lord Chancellor uſeth ſome Words unto them to let them know the Cauſe of their Meeting, which he doth uncovered, becauſe he ſpeaketh to both Houſes, and after the Writ read, he adjourns the Court.

IF it be an Adjournment of a Seſſion only, it is done by Commiſſion to ſome of the Lords of the Upper Houſe, in which Caſe none of the Houſe of Commons are preſent, and the Commiſſion is to be ſent down to the Houſe of Commons, upon ſuch Adjournment performed by the Houſe of Lords accordingly.

Rules

Rules and Orders to be read at the beginning of every Seſſion.

10. FOR the better preſervation of Order in this Honourable Houſe in their Debates and Proceedings upon ſuch Buſineſs as comes before them, it is ordered, that the Rules and Orders of this Houſe be publickly read in the Houſe at the beginning of every Seſſion, That ſo no Man may tranſgreſs his Duty for want of ſufficient Knowledge.

Journal

Journal Book.

II. FOR the better preſervation of the Journals of this Houſe, it is ordered that a Committee be appointed by the Houſe, at the beginning of every Seſſion, to inſpect, reviſe, and correct the Journals, before they be entered in the Journal-Book, and that the Minutes of the preceding Day be read in the Houſe the Day following, where the ſame have not been read the Day before, by reaſon of a Motion for Adjournment

Houſe

Houſe to be called.

12. IT is to be obſerved, that in the firſt Week of every Seſſion the Houſe is to be called, and Notice taken of ſuch Lords as have not appeared according to the Writ or Summons, or have departed the Service of the Houſe without leaving their Proxy, purſuant to the ſixth Rule above mentioned, and the Houſe to be called over as often as cauſe requires.

Precedency

Precedency of Lords.

13. FOR ſettling Controverſies that may ariſe between the Peers about Precedency, it is thought reaſonable that every Peer upon a new Creation ſhall have Place according to the Time of his Creation and the Date of his Letters Patents, and that every other ancient Peer is to hold his Place and Precedency according to his Antiquity and Creation.

Speaker

Speaker of the Houſe.

14. IT is the Duty of the Lord Chancellor, or Lord Keeper of the Great Seal of Ireland, ordinarily to attend the Lords Houſe of Parliament, and in caſe they or either of them be abſent from the Houſe of Peers, and there be none authoriſed under the Great Seal from the King to ſupply that Place in the Houſe of Peers, the Lords may then chooſe their own Speaker during that Vacancy.

Speaker's Office.

15. THE Lord Chancellor when he ſpeaks to the Houſe is always uncovered, and is not to adjourn the Houſe, or do any Thing elſe, as Mouth of the Houſe, without Conſent of the Lords firſt had, excepting the ordinary Things about Bills; which are of Courſe, wherein the Lords may likewiſe over-rule, as for preferring of one Bill before another, and ſuch like. And in Caſe of Difference amongſt the Lords, it is put to the Queſtion, and if the Lord Chancellor will ſpeak to any ſuch Thing particularly, he is to go to his own Place as a Peer.

Order

Order of Speaking and Votes.

16. EVERY Man ſpeaks ſtanding and uncovered, and names not the Members of the Houſe by their Names, but the Lord that ſpake laſt, laſt but one, laſt but two, &c. or by ſome other Note of their Speech; at Votes the loweſt (after the Queſtion is once put by the Lord Chancellor) begins firſt, and every Man in his own turn riſeth uncovered, and only ſaith, *Content*, or *Not Content*.

WHEN any Lord ſpeaks, he is to addreſs his Speech to the reſt.

Orders to be read.

17. THE Clerk is to read no Order till the Lord Chancellor firſt demand the Aſſent of the Houſe, and the Clerk is to read every Order firſt in the Houſe before it is entered.

Order to be kept.

18. THE Lords in the Upper Houſe are to keep their Dignity and Order in ſitting as much as may be, and none to move out of their Places, without juſt Cauſe, to the hindrance of others that ſit near them, and diſorder of the Houſe; but when they muſt needs go croſs the Houſe from one Side to the other, they are to make Obeiſance to the Cloth of State.

Lords

Lords not to diſcourſe together when the Houſe is upon Buſineſs.

19. IF any Lord have Occaſion to ſpeak to another Lord in this Houſe while the Houſe is ſitting, they are to go together below the Bar, or elſe the Speaker is to ſtop the Buſineſs in Agitation.

Aſperity of Speech to be avoided.

20. FOR preventing of Miſunderſtanding, and for avoiding of offenſive Speeches when Matters are debated either in the Houſe or at Committees, it is for Honour's ſake thought

thought fit that all perſonal, ſharp and reflecting Speeches be foreborne; and whoſoever anſwereth another Man's Speech, ſhall apply his Anſwer to the Matter, without wrong to the Perſon; and as nothing offenſive is to be ſpoken, ſo nothing is to be ill taken, if the Perſon that ſpeaks ſhall preſently make a fair Expoſition or clear Denial of the Words that might bear an ill Conſtruction: And if any Offence be given in that kind, as the Houſe itſelf will be very ſenſible thereof, ſo will it ſharply cenſure the Offenders, and give the Party offended a fit Reparation and full Satisfaction.

Quarrels

Quarrels to be avoided.

21. FOR avoiding all Miſtakes, Unkindneſſes, or other Differences, which may grow to Quarrels tending to the breach of Peace, it is ordered, that if any Lord ſhall conceive himſelf to have received an Affront or Injury from any other Member of the Houſe, either in the Parliament-Houſe or at any Committee, or in any of the Rooms belonging to the Lords Houſe of Parliament, he ſhall appeal to the Lords in Parliament for his Reparation, which if he ſhall not do, but occaſion or entertain Quarrels, declining the Juſtice of the Houſe, then the Lords that ſhall be found delinquent therein, ſhall undergo the ſevere Cenſure of the Houſe of Parliament.

Calling

Calling Members to the Bar.

22. As to calling Members of this High Court to the Bar, their Lordſhips hold it fit to be very well weighed at what time and for what Cauſes it ſhall be done, and therefore none are to be called to the Bar but ſuch only who ſhall expreſs any Reflections on their Majeſties or their Chief Governor, or againſt this Honourable Houſe, or any Member of the ſame, or for ſuch other Cauſe as the Houſe ſhall think fit.

Proceeding

Proceeding on Bills.

23. FOR Bills, they are commonly let paſs at the firſt reading, without ſpeaking to, unleſs Motion be made againſt the ſecond reading, in order to throw them out; and to be committed upon Motion at the ſecond reading. No Man is to ſpeak twice to one Bill at one time of reading it, or any other Propoſition, unleſs it be to explain himſelf in ſome material Point of his Speech; but no new Matter, and that not without the Leave of the Houſe firſt obtained.

24. THAT all Bills which any way affect the Rights of Peerage, are to take their riſe in this Houſe.

9th Feb. 1784.

Reſtitution

Reſtitution in Blood.

25. 2d Nov. 1692. No act of Reſtitution in Blood ſhall be proceeded upon in Parliament until the ſame be firſt allowed and ſigned by the King's Majeſty, and that then it is firſt to begin in the Houſe of Peers.

Voting.

26. WHEN a Queſtion has been intirely put by the Speaker, no Lord is to ſpeak againſt the Queſtion before voting. After a Queſtion is put, and the Houſe has voted thereupon, no Lord is to depart out of his Place, until the Houſe has either entered upon ſome other Buſineſs, or upon Conſideration of adjourning the Houſe.

Who

Who are to go out upon dividing of the Houſe.

27. WHEN there ſhall be a Diviſion in the Houſe upon any Queſtion, the Contents ſhall go below the Bar, and the Not-Contents ſhall ſtay within the Bar.

Concerning the Judges.

28. THE Judges ſitting by are not to be covered, until the Lords give them Leave, which they ordinarily ſignify, by the Lord Chancellor; and they being appointed to attend the Houſe, are not to ſpeak, or deliver any Opinion, until it be required, and they be admitted ſo

to

to do by the major Part of the Houſe; in Caſe of Difference, the learned Counſel are likewiſe to attend on the Wool-Sack, but are never covered.

Officers and Attendants.

29. THE Uſher of the Black Rod is to wait without the Bar, and there to ſpeak as Occaſion is. The Serjeant at Arms is to wait without in the next Room, and not to come in unleſs called.

RESOLVED,

30. 9th Feb. 1784. RESOLVED, That the Clerks and inferior Officers attending this Houſe, ſhall not be at any Time ſuſpended or diſplaced from their Offices or Employments, without the Leave of this Houſe.

No Motion after Two of the Clock.

31. 30th July, 1707. No Motion of any new Matter ſhall be made in this Houſe after two of the Clock, except it be within the Orders of the Day.

32. 19th Dec. 1713. ORDERED, That after the Minutes are read, no other Motion be made but that of Adjournment.

RESOLVED

33. 24th Sep. 1723.

RESOLVED upon the Question, *Nemine contradicente*, That when any Lord ſhall at any Time move for an Addreſs either to the King's Majeſty, Lord Lieutenant, or other Chief Governor or Governors of this Kingdom, if the Motion ſo made ſhall ſpecify divers Heads to be included in ſuch Addreſs, no Queſtion ſhall be put upon the Whole at once; but that a Queſtion ſhall be put upon each Head in ſuch Order as they ſhall be mentioned in each Motion, to the Intent that each Lord may have a ſufficient Opportunity of offering his Senſe touching the ſame, or any Amendments he ſhall think fit to propoſe being made thereunto.

Motions

Motions againſt Standing Orders.

34. 30th July, 1707. No Motion ſhall be granted for diſpenſing with a Standing Order of this Houſe, the ſame Day the ſaid Motion is made, nor before the Houſe ſhall be ſummoned to conſider of the ſaid Motion.

Committees of the Houſe.

35. 2d Nov. 1692. To have more Freedom of Speech, and that Argument may be uſed *pro et contrà*, Committees are appointed for Bills; ſometimes to facilitate and agree of great Buſineſs, either of the whole Houſe or of particular Committees of the whole Houſe,

Houſe, who ſometimes ſit in the Upper Houſe, but then the Lord Chancellor ſits not on the Wool-Sack as Speaker. If they be of fewer Number, commonly they meet in one of the Committee Rooms adjoining to the Houſe of Lords; any of the Lords of the Committee ſpeaks to the reſt uncovered, but may ſit ſtill if he pleaſe. The Committee are to be attended by ſuch Judges as ſhall be appointed, who are not to ſit there, nor be covered, unleſs it be out of Favour. For Infirmity, ſome Judge ſometimes has a Stool ſet behind him, but never covers; the reſt never ſit or cover.

36. IT is to be observed, that in any ſelect Committee of the Lords, any Member of the Lords Houſe, tho' not of the Committee, is not excluded from coming in and ſpeaking, but he muſt not vote; as alſo, he ſhall give Place to any that are of the Committee, tho' of lower Degree, and ſhall ſit behind them.

Committee of the Houſe.

37. IF it be deſired by any Lord that the Houſe may be put into a Committee, it ought not to be refuſed; Every Lord is to reſt in his own Place when the Houſe is put into a Committee.

Meſſages.

38. FOR meeting with any of the Lower Houſe, it is either upon occaſions of Meſſage, which they ſend up, or upon Conference when they come up. The manner is this: After the Lords have Notice given them by the Uſher of the Houſe that they have ſent unto the Lords, they attend until the Lords have put that Buſineſs to ſome End, wherein they are; and the Lords, ſitting all covered, ſend for them in, who ſtand all at the lower End of the Room, and then the Lord Chancellor, with ſuch as pleaſe, riſe, and go down to the middle of the Bar;

Bar; then the Chief of the Committee, in the midst of them, and the rest about him, come up to the Bar, with three Courtesies, and deliver their Message to the Lord Chancellor, who, after he has received it, retires himself to his former Place; and the House being cleared and settled, he reports it to the Lords, who help his Memory, if any Thing be mistaken; and after the Lords have taken Resolution, if the Business require any Answer, they are called in, and approaching to the Bar, with three Courtesies as before, and the House sitting in Order, and covered as before; the Lord Chancellor sitting on the Wool-Sack covered, does give them

their Answer in the Name of the House, or else, if the Resolution be not speedy, the Lords send them Word by the Usher, that they shall not need to stay for the Answer, but that their Lordships will send by some express Messenger of their own.

39. HERE is to be noted, that the Lords never send into the House of Commons any Member of their own, but either by some of the learned Counsel, Masters of the Chancery, or such like, which attend, and in weighty Causes some of the Judges; nor are the House of Commons ever to employ unto the Lords, any but of their own Body.

Order

Order of Meeting and Conference.

40. THE Place of Meeting with the House of Commons, upon Conference, is usually the Conference Chamber, below Stairs, between both Houses, where they are commonly before the Lords come, and expect the Lords Leisure. The Lords are to come thither in a whole Body, and not some Lords scattering before the rest, which both takes from the Gravity of the Lords, and besides may hinder the Lords from taking their proper Places. The Lords are to sit there and be covered; but they of the House of Commons are at no Committee or Conference,

ference, either to be covered or ſit down, unleſs it be ſome infirm Perſon, and that by Connivance, in a Corner out of ſight, but not covered.

41. No Man is to enter either when the whole Houſe ſits, or at any Committee or Conference, unleſs it be ſuch as are commanded to attend, but ſuch as are Members of the Houſe, upon Pain of being puniſhed ſeverely, and with Example to others. None are to ſpeak at a Conference with the Lower Houſe, but thoſe that be of the Committee, and when any Thing that has been committed is reported, all the Lords of the Committee are to ſtand up uncovered.

Lords

Lords not to anſwer Accuſations in the Houſe of Commons.

42. No Lord ſhall either go down to the Houſe of Commons, or ſend his Anſwer by Writing, nor appear by Counſel to anſwer any Accuſations there, upon Penalty of being committed to the Black-Rod, or the Caſtle of *Dublin*, during the Pleaſure of the Houſe; it being the Privilege of the Lords to anſwer Accuſations in their own Houſe.

Lords

Lords not to petition the Commons without Leave.

43. 18th Dec. 1775. RESOLVED by the Lords Spiritual and Temporal in Parliament assembled, That every Lord of Parliament who shall at any Time have occasion to petition the Lower House, shall first apply for Leave of this House.

Privileges.

Privileges.

44. 2d Nov. 1692. altered by 11 and 12 Geo. 3. Ch. 12.

ALL Lords of Parliament have Privilege of freeing from Arreſts their Menial Servants, and thoſe of their Family, as alſo thoſe employed neceſſarily and properly about their Eſtates, as well as Perſons, for the Space of forty Days before the Beginning or Meeting of a Parliament, and for forty Days after Prorogation or Diſſolution of the ſame Parliament; and have alſo Privilege of freeing the Goods of ſuch Perſons as aforeſaid from Execution for the Space of fourteen Days before any Parliament ſhall meet or be re-aſſembled, and likewiſe for fourteen Days after the Diſſolution or Prorogation thereof.

OF

45. OF all Incroachments and Breaches of Privileges, ſome ſtrict Example ſhould be made at firſt, and Records kept exactly both of all Things to be obſerved, and of all Puniſhments to be inflicted upon the Breakers, to deter others, be it out of Malice or Negligence.

46. ALL the Lords are to be very careful in this Point, and to remember the ground of this Privilege, which was only in reſpect they ſhould not be diſtracted by the Trouble of their Servants from attending the ſerious Affairs of the Kingdom, and that they will not therefore pervert that Privilege to the publick Injuſtice of the

the Kingdom, which was given them only that the whole Realm might, in this Court, draw the clearer Light of Juſtice from them; in which Caſe every one ought rather to go far within, than any way exceed, the due Limits. Before any Perſon be ſent for in this kind, the Lord whom he ſerves ſhall either by himſelf or by his Letter, or by ſome Meſſage, certify the Houſe upon his Honour that the Perſon arreſted is within the Limits of the Privilege before expreſſed, and for the particulars they muſt be left to the Judgment of the Houſe, as the particular Caſes ſhall come in Queſtion, wherein the Houſe wants not all means,

means, as well by Oath as without, to find out the true Nature of the Servant's Quality in the Lord's Service; and therefore if by the Houſe it be adjudged contrary to the true Intent, any Member whatſoever muſt not think it ſtrange, if in ſuch Caſe both he himſelf ſuffer Reproof as the Houſe ſhall think fit, and the Servants receive no Benefit by the Privilege, but pay the Fees; becauſe the Juſtice of the Kingdom muſt be preferred before any perſonal Reſpect, and none to be ſpared that ſhall offend after ſo fair a Warning.

RESOLVED

47. 4th Dec. 1747. RESOLVED by the Lords Spiritual and Temporal in Parliament aſſembled, That in Caſe of Complaint of any Lord of this Houſe, of a Breach of Privilege, whereupon any Perſons ſhall be ſummoned as Delinquents, or taken into Cuſtody for the future, if the Houſe, upon Examination of the Matter complained of, ſhall judge the ſame to be no Breach of Privilege, and that the Complaint was groundleſs, the Lord who made the Complaint ſhall pay the Fees and Expenſes of the Perſon or Perſons ſo ſummoned or taken into Cuſtody.

THAT

48. 9th Feb. 1784. THAT no Peer or Lord of Parliament hath Privilege of Peerage or of Parliament, againſt being compelled by Proceſs of the King's Courts to pay Obedience to a Writ of *Habeas Corpus*, directed to him.

Lords to anſwer upon Honour.

49. 2d Nov. 1692. THE Nobility of this Kingdom, and Lords of the Upper Houſe of Parliament, are to anſwer in all Courts of antient Rights as Defendants, upon Proteſtation of Honour only, and not upon common Oath.

Minors.

Minors.

50. No Lord, under the Age of Twenty-one Years, is to be permitted to ſit in the Houſe of Lords.

No Privilege of Peerage to Truſtees.

51. No Privilege of Parliament ought to be allowed unto Peers in thoſe Caſes wherein they are concerned as Truſtees only.

Minor

Minor Peers, Noble Women, and Widows of Peers.

52. 30th July, 1707.

PRIVILEGE of Parliament ſhall not be allowed to Minor Peers, Noble Women or Widows of Peers, ſaving their right of Peerage; and if any Widow of any Peer ſhall marry a Commoner, ſhe ſhall not be allowed Privilege of Peerage.

Impriſonment of Lords.

53. 2d Nov. 1692.

THE Privilege of the Houſe is, that no Lord of Parliament ſitting the Parliament, or within the uſual Time of Privilege of Parliament, is to be impriſoned or reſtrained, without Sentence or Order of the Houſe, unleſs it be for Treaſon, Felony, or for refuſing to give Security for the Peace.

Attornies

Attornies and Solicitors, no Privilege.

54. 30th July, 1707. No common Attorney or Solicitor, tho' employed by any Peer or Lord of this Houſe, ſhall be allowed Privilege of Parliament.

Privilege.

55. 16th Dec. 1717. RESOLVED upon the Queſtion, *Nemine contradicente*, That no Lord of Parliament, having once obtained the Leave of this Houſe to wave his Privilege in any Cauſe, ſhall at any Time after be admitted to re-aſſume his Privilege in the ſame Cauſe, without the Leave of this Houſe.

56. 23d Sep. 1721. RESOLVED, That no written Protection from any Lord Spiritual or Temporal ſhall be hereafter valid or allowed.

57. IT was reſolved on the Queſtion, *Nemine contradicente*, That if any Lord Spiritual or Temporal ſhall grant a written Protection, in Contempt of the foregoing Reſolution, to the diſhonour of the Houſe, the Lord ſo offending ſhall for his Offence be committed Priſoner to the Uſher of the Black-Rod, or the Conſtable of the Caſtle.

RESOLVED,

58. 22d Dec. 1737. RESOLVED, *Nemine contradicente*, That the Filing an Original Bill in any Court of Equity is not a Breach of the Privilege of this Houſe.

Witneſſes to be examined, in Perpetuam Rei Memoriam.

59. 2d Nov. 1692. IN all Caſes wherein it is neceſſary to examine Witneſſes *in Perpetuam Rei Memoriam*, it ſhall not be taken to be a Breach of the Privilege of Parliament to file a Bill againſt a Peer in Time of Parliament, and take out uſual Proceſs for that Purpoſe only.

Titles of Honour aſſumed.

60. 6th Feb. 1758. RESOLVED by the Lords Spiritual and Temporal in Parliament aſſembled, That all Perſons aſſuming to themſelves Titles of Honour not warranted by Law, nor allowed by the known Courteſy of this Land, are guilty of a high Breach of the Privileges of this Houſe.

61. RESOLVED by the Lords Spiritual and Temporal in Parliament aſſembled, That all Perſons ſigning ſuch Titles of Honour in Lieu of or as an Addition to their Names, are guilty of a high Breach of the Privileges of this Houſe.

RESOLVED

62. RESOLVED by the Lords Spiritual and Temporal in Parliament aſſembled, That all Perſons bearing Enſigns of Honour not warranted by Law, nor allowed by the known Courteſy of this Land, upon their Carriages, Plate, or Furniture, with or without their Coats of Arms, are guilty of a high Breach of the Privileges of this Houſe.

63. RESOLVED by the Lords Spiritual and Temporal in Parliament aſſembled, That all Printers and Publiſhers attributing Titles of Honour to any Perſons to whom they do not properly belong, by inſerting ſuch Titles in their publick News-papers or Advertiſements, either

either in Lieu of or in Addition to the Names of ſuch Perſons, are guilty of a notorious Breach of the Privileges of this Houſe.

64. 9th Feb. 1784. RESOLVED, That this Houſe, or any Committee thereof, ſhall not proceed to the hearing upon any Claim to a Title of Honour, until fourteen Days after printed Caſes ſhall have been delivered, which ſhall contain an Abſtract of the Proofs and Authorities upon which ſuch Claim may be founded, together with the Dates thereof and References where the ſame may be found.

Cuſtody

Cuſtody.

65. 15th Oct. 1711. RESOLVED, That when any Perſon, ordered by this Houſe to be taken into Cuſtody ſhall abſcond, ſo that he is not taken till the Parliament is prorogued or diſſolved, this Houſe will renew their Order at their next Meeting, and ſo ſucceſſively, till the Perſon is taken.

66. RESOLVED, That when any Perſon, taken into Cuſtody by Order of this Houſe, ſhall be diſcharged from his Confinement by the Prorogation or Diſſolution of the Parliament, not having paid his Fees, that this Houſe will at their next meeting renew their Order, and the Perſon ſhall be taken again and kept in Cuſtody, till he has paid the Officers their Fees.

Againſt

Againſt annexing Clauſes in Bills of Aid.

67. 30th July, 1707. THE annexing any Clauſe or Clauſes to a Bill of Aid or Supply, the Matter of which is foreign to and different from the Matter of the ſaid Bill of Aid or Supply, is unparliamentary, and tends to the Deſtruction of the Conſtitution of this Kingdom.

68. 4th Dec. 1783. RESOLVED by the Lords Spiritual and Temporal in Parliament aſſembled, *Nemine diſſentiente*, That all Grants for the Encouragement of particular Manufactures, Arts, and Inventions, or for the Conſtruction or carrying on of any public or other Works, ought to be made in ſeparate Acts, and that the Practice

Practice of annexing ſuch Grants to Bills of Aid or Supply for the Support of his Majeſty's Government, is unparliamentary, and tends to the deſtruction of the Conſtitution.

69. RESOLVED by the Lords Spiritual and Temporal in Parliament aſſembled, *Nemine diſſentiente*, That this Houſe will reject any Bill of Aid or Supply to which any Clauſe or Clauſes, the Matter of which is foreign to and different from the Matter of the ſaid Bill of Aid or Supply, or any Clauſe or Clauſes for the granting of any Sum or Sums of Money for the Encouragement of particular Manufactures, Arts or Inventions, or for the Conſtruction or carrying on of any public or other Works, ſhall be annexed.

Proteſtation.

Proteſtation.

70. 2d Nov. 1692.

SUCH Lords as ſhall make Proteſtation, or enter their Diſſent to any vote of the Houſe, as they have a Right to do without aſking Leave of the Houſe either with or without their Reaſons, ſhall make their Proteſtation, or give Direction to have their Diſſent entered into the Clerk's Book, the next ſitting Day of the Houſe, or elſe the ſaid Proteſtation or Diſſent to be void and of no Effect.

Private

Private Bills.

71. 24th Nov. 1783. THAT for the future no Private Bill ſhall be brought into this Houſe, until the Houſe be informed of the Matters therein contained by Petition to this Houſe for Leave to bring in ſuch Bill.

72. THAT when a Petition for a Private Bill ſhall be offered to this Houſe, it ſhall be referred to two Judges, who are forthwith to ſummon all Parties before them who may be concerned in the Bill, and after hearing all the Parties, are to report to the Houſe the State of their Caſe, and their Opinion thereupon under their Hands, and are to ſign the ſaid Bill.—The ſame Method

Method to be obſerved as to Private Bills that are brought up from the Commons, before the ſecond reading of ſuch Bill, by ſending a Copy of the ſaid Bill, ſigned by the Clerk, to the Judges.

73. THAT upon the reference of any Private Bill to the Judges as aforeſaid, the Judges to whom the ſaid Bill ſhall be referred, ſhall ſend to this Houſe a Liſt or Liſts of all ſuch Perſons' Names as are to be ſworn in relation to ſuch Bill, and that they ſhall be thereupon ſworn at the Bar of this Houſe, in order to be examined by the Judges upon ſuch Oath in relation to the Bill before them.

THAT

74. THAT for the future no Private Bill ſhall be read a ſecond Time in this Houſe, until printed Copies thereof be left with the Clerk of the Parliaments for the peruſal of the Lords, and that one of the ſaid Copies ſhall be delivered to every Perſon that ſhall be concerned in the ſaid Bill, before the Meeting of the Committee upon ſuch Bill; and in Caſe of Infancy, to be delivered to the Guardian or next Relation of full Age not concerned in Intereſt or in paſſing of the ſaid Bill.

75. THAT in all Caſes where Truſtees ſhall be appointed by any Private Bill, the Committee to whom the Bill is referred, do take Care that

that the Truſtees appear perſonally before them, and accept the Truſt under their Hands. And alſo, that the Lord who ſhall be in the Chair of a Committee for paſſing of any Private Bill, when he makes his Report, ſhall acquaint the Houſe, that all the Orders of the Houſe in Relation to Private Bills were duly obſerved in the paſſing of the ſaid Bill through the Committee.

76. THAT for the future it be a general Inſtruction to all Committees who ſhall meet upon Private Bills, that they take no Notice of the Conſent of any Perſon to the paſſing of ſuch Bill, unleſs ſuch Perſon appear before them,

them, or that there be an Affidavit of two Perſons made, that he or ſhe is not able to attend and doth conſent to ſuch Bill, and that when any Committee ſhall be appointed on a Private Bill, Notice thereof be affixed on the Doors of this Houſe fourteen Days before the Meeting of the ſaid Committee.

Proceedings on Writs of Error.

77. 2d Nov. 1692.

FORASMUCH as upon Writs of Error returnable in the High Court of Parliament, the Plaintiff therein does often deſire to delay Juſtice, rather than come to the Determination of the Right of the Cauſe: It is therefore Ordered, that the Plaintiff in all ſuch Writs, after the ſame

ſame and the Records be brought in, ſhall ſpeedily repair to the Clerk of the Parliaments, and proſecute his Writ of Error, and ſatisfy the Officers of this Houſe their Fees juſtly due to them by reaſon of the Proſecution of the ſaid Writs of Error and the Proceedings thereon, and further ſhall aſſign his Errors within Eight Days after the bringing in ſuch Writs with the Records; and if the Plaintiff make Default ſo to do, then the ſaid Clerk (if the Defendant in ſuch Writ require it) ſhall record, that the Plaintiff has not proſecuted his Writ of Error, and that the Houſe doth therefore award that ſuch Plaintiff ſhall loſe his Writ, and that the Defendant ſhall go without Day, and that the Record be remitted; and if any

Plaintiff,

Plaintiff, in any Writ of Error, ſhall alledge Diminution, and pray a *Certiorari*, the Clerk ſhall enter an Award thereof accordingly, and the Plaintiff may, before *in nullo eſt erratum* pleaded, ſue forth the Writ of *Certiorari* in ordinary Courſe, without ſpecial Petition or Motion in this Houſe for the ſame; and if he ſhall not proſecute ſuch Writ, and procure it to be returned within Ten Days next after his Plea of Diminution put into this Houſe, then (unleſs he ſhew good Cauſe to this Houſe for enlarging the Time for the returning of ſuch Writs) he ſhall loſe the Benefit of the ſame, and the Defendant on the Writ of Error may proceed as if no ſuch Writ of *Certiorari* were awarded.

Time limited to bring in Writs of Error and Appeals.

78. ALL Perſons who ſhall have any Writs of Error or Petitions of Appeal from any Court of Equity to be exhibited to this Houſe, may bring in ſuch Writs of Error and Appeals at any Time during this Seſſion of Parliament, and for the Time to come they are to be brought in and received within fourteen Days from the firſt Day of every Seſſion or Meeting of Parliament after a Receſs, after which Time the Lords declare they will, during every ſuch Sitting, receive no Writs of Error or Petitions of Appeal,

Appeal, unleſs upon a Judgment given in any of his Majeſty's Courts of Judicature, or Decree made in any of the Courts of Equity whilſt the Parliament is actually ſitting: In which Caſes the Party who ſhall find himſelf aggrieved, may bring his Writ of Error, or Petition of Appeal, within fourteen Days after ſuch Judgment or Decree is given.

Re-hearings.

79. 30th July, 1707. No Petition, which relates to the Re-hearing of any Cauſe, or Part of a Cauſe, formerly heard in this Houſe, ſhall be read the ſame Day it is offered, but ſhall lie upon the Table, and a future Day be appointed for the reading thereof, after Twelve of the Clock.

What Counſel ſhall ſign Appeals.

80. Amended 11th Feb. 1790.

No Petition of Appeal ſhall be received or receivable into this Houſe which is not ſigned by two Counſel, and the Clerk of the Parliaments ſhall not give a Certificate of any Petition of Appeal being lodged in this Houſe, unleſs the ſame ſhall be ſigned by two Counſel; and no Perſon whatſoever ſhall preſume, as Counſel, to ſign any Appeal to be brought into this Houſe for the future, unleſs ſuch Perſon hath been of Counſel in the ſame Cauſe in the Courts below, or ſhall attend as Counſel at the Bar of this Houſe when the ſaid Petition of Appeal ſhall be heard.

Caſes

Caſes to be ſigned by Counſel.

81. FOR preventing ſcandalous and frivolous written and printed Caſes on Appeals and Writs of Error, no Perſon whatſoever ſhall preſume to deliver any written or printed Caſe or Caſes to any Lord of this Houſe, unleſs ſuch Caſe or Caſes ſhall be ſigned by one or more of the Counſel who attended the hearing the Cauſe in the Courts below, or ſhall be of Counſel at the hearing in this Houſe.

Petition

Petition for putting off Cauſes.

82. WHEN a Day ſhall be appointed for the hearing of any Cauſe, Appeal or Writ of Error, to be argued in this Houſe, the ſame ſhall not be altered, but upon Petition; and no Petition ſhall in ſuch Caſe be received, unleſs two Days Notice thereof be given to the adverſe Party, of which Notice, Oath ſhall be made at the Bar of this Houſe.

83. RESOLVED on the Queſtion that for the future, when any Days are appointed for hearing Cauſes upon Appeals or Writs of Error to be brought into this Houſe, upon the Petition or Application of either Party,

Party, if it be put off to a further Day, that then the Perſon or Perſons ſo petitioning or applying ſhall pay unto the adverſe Party Ten Pounds Coſts.

The Queſtion in Judgment upon Writs of Error.

84. 2d Nov. 1692.

UPON giving Judgment in any Caſes of Appeals or Writs of Error, in this Houſe, the Queſtion ſhall be put for Reverſing, and not for Affirming; becauſe in all Caſes where the Votes are equal, it is carried *ſemper preſumitur pro negante*; and yet the Houſe is of Opinion, that a Decree of Judgment cannot be reverſed, but by a Majority of Votes, tho' affirmed if equal, for then they alter nothing.

As

As to Appeals from any Order, Decree or Proceeding of, or in, any Court of Equity, the following Particulars ought to be obſerved, *viz.*

85. 24th Nov. 1783. THAT every Appeal do come in the Form of a Petition.

86. THAT ſuch Petition is to be moved or introduced by ſome Lord of Parliament.

87. THAT ſuch Petition ought to be fairly ingroſſed on Parchment, that it may have the permanent Quality of a Record, and that the Clerk of this Houſe ought not to receive ſuch Petition of Appeal, unleſs the ſame be ſo ingroſſed on Parchment.

THAT

88. Amended 11th Feb. 1790.

THAT in all Caſes, upon Appeals to be brought into this Houſe, the Party or Parties Appellants ſhall, within eight Days after ſuch Appeal ſhall be received, give Security to the Clerk of the Parliaments by Recognizance to his Majeſty, in the Penalty of Two Hundred Pounds, conditioned to pay ſuch Coſts to the Reſpondent or Reſpondents in ſuch Appeals as this Houſe ſhall appoint or award, in Caſe, the Decree, Order or Proceeding appealed againſt ſhall be affirmed, or in Caſe the Appeal ſhall be diſmiſſed for want of Proſecution, and if the Appellant or Appellants ſhall neglect or refuſe to give ſuch Security within the Time aforeſaid, that then the Clerk of the Parliaments

Parliaments ſhall inform the Houſe, and the Appeal from thenceforth to be diſmiſſed.

89. THAT in all Caſes upon Writs of Error depending in this Houſe when diminution ſhall at any Time be alledged, and a *Certiorari* prayed and awarded before *in nullo eſt erratum* pleaded, the Clerk of the Parliaments ſhall upon requeſt to him made, give a Certificate that Diminution is ſo alledged, and a *Certiorari* prayed and awarded thereupon.

90. THAT when upon an Appeal to this Houſe, an Order is made for the Reſpondent to anſwer thereto by a Time limited, and no Anſwer is

is put in by that Time, upon Proof made of due Service of ſuch Order, a peremptory Day ſhall be appointed for putting in the Anſwer, without any further Notice to be given to the Reſpondent.

91. THAT ſuch Appeals as ſhall be preſented during this Seſſion, to which Anſwers ſhall be put in during this Seſſion, and for hearing whereof no Day ſhall be appointed in this Seſſion; and all ſuch Appeals as ſhall be preſented in any ſubſequent Seſſion, to which Anſwers ſhall be put in during the ſame Seſſion, and for hearing whereof no Day ſhall be appointed in ſuch Seſſion; if neither the Appellant or Reſpondent ſhall apply to this Houſe within

within eight Days, to be accounted from the firſt Day of the next Seſſion, or Meeting of Parliament, for a Day of hearing, ſuch Appeals ſhall ſtand diſmiſſed; but without Prejudice to the Appellants preſenting any new Appeals thereafter, as they ſhall be adviſed.

92. THAT ſuch Appeals as ſhall be preſented during this Seſſion to which no Anſwer ſhall be put in during this Seſſion, and all ſuch Appeals as ſhall be preſented in any ſubſequent Seſſion, to which no Anſwer ſhall be put during the ſame Seſſion; if neither the Appellant within eight Days to be accounted, from and after the firſt Day of the next

next Seſſion, or Meeting of Parliament, ſhall apply to this Houſe to appoint a peremptory Day to anſwer, nor the Reſpondent put in an Anſwer within the ſaid eight Days, ſuch Appeals ſhall ſtand diſmiſſed; but without Prejudice to the Appellants preſenting any new Appeals thereafter, as they ſhall be adviſed.

93. THAT when any Anſwer to an Appeal ſhall be put in for the future, the Clerk to whom it ſhall be delivered do immediately indorſe thereon the Day on which ſuch Anſwer is brought in, and the Names of the Parties anſwering; and to whoſe Appeal ſuch Anſwers are put in, be the ſame Day entered in the Journal of this Houſe.

THAT

94. THAT in all Cauſes on Appeals or Writs of Error appointed to be heard in this Houſe, the Appellants and Reſpondents, the Plaintiffs and Defendants, or their reſpective Agents or Solicitors, do for the future deliver to the Clerk of the Parliaments, or Clerk Aſſiſtant, to be diſtributed to the Lords of this Houſes, printed Caſes upon ſuch Appeals or Writs of Error, at leaſt ſix Days before the Hearing of the ſame, and that no other different Caſes in any ſuch Cauſes be at any Time afterwards printed or delivered without Leave of this Houſe.

THAT

95. THAT no Petition of Appeal from any Decree, Order or Sentence of any Court of Equity before this Time ſigned and inrolled, or extracted, be received by this Houſe, after five Years, to be accounted from the Expiration of this preſent Seſſion of Parliament, and the end of the next Seſſion enſuing the ſaid five Years. Nor ſhall any Petition of Appeal from any Decree Order or Sentence of any of the ſaid Courts, to be hereafter ſigned and inrolled, or extracted, be received by this Houſe, after five Years from the ſigning and inrolling or extracting of ſuch Decree Order or Sentence, and the end of fourteen Days next enſuing the ſaid five Years; unleſs

unleſs the Perſon intitled to ſuch Appeal be within the Age of one and twenty Years, or Covert, *Non Compos Mentis*, impriſoned, or out of Great Britain or Ireland. In which Caſes ſuch Perſon ſhall and may be at Liberty to bring his Appeal for reverſing any ſuch Decree or Sentence, at any Time within five Years next after his full Age, Diſcoverture, coming of ſound Mind, enlargement out of Priſon, or coming into Great Britain or Ireland, and fourteen Days to be accounted from and after the firſt Day of the Seſſion or Meeting of Parliament next enſuing the ſaid five Years, but not afterwards or otherwiſe.

THAT

96. THAT at the Hearing of Cauſes, one of the Counſel for the Appellants ſhall open the Cauſe, then the Evidence on their Side ſhall be read; which done, the other Counſel for the Appellants ſhall make Obſervations on the Evidence: Then one of the Counſel for the Reſpondents ſhall be heard, and the Evidence on their Side to be read; after which the other Counſel for the Reſpondents ſhall be heard, and one Counſel only for the Appellants to reply.

97. THAT when upon an Appeal to this Houſe, an Order hath been or ſhall be made for the Reſpondent or Reſpondents to anſwer thereto by a Time limited, if the Seſſion of

Parliament wherein ſuch Order hath been or ſhall be made, ſhall determine before the time ſo limited for anſwering ſhall be expired; and no Anſwer ſhall be put in during the ſame Seſſion; Service of ſuch Order upon the Reſpondent or Reſpondents to ſuch Appeal, by the Space of five Weeks at the leaſt, before the firſt Day of the then next Seſſion, ſhall be deemed good Service; and the Appellant may apply to this Houſe for a peremptory Day for putting in the Anſwer, in Caſe the Reſpondent or Reſpondents ſhall not put in his or their Anſwer, within three Days to be computed from the firſt Day of the then next Seſſion of Parliament.

THAT

98. THAT all ſuch Appeals as ſhall be preſented during this Seſſion, and for hearing whereof Days ſhall be appointed during this Seſſion, but which ſhall not be determined in this Seſſion, and all ſuch Appeals as ſhall be preſented, for hearing whereof Days ſhall be appointed in any ſubſequent Seſſion which ſhall not be determined in the ſame Seſſion, ſhall be heard and determined in the beginning of the next Seſſion of Parliament, in the ſame Order and Courſe as they ſhall ſtand to be heard at the End of this or any future Seſſion, without any new Application to this Houſe to appoint a Day for hearing the ſame; and that ſuch of the ſaid Appeals as

shall stand first to be heard at the End of this or any future Session of Parliament, shall stand to be heard upon the Wednesday in the Week next after the Week in which any subsequent Session of Parliament shall begin, the second upon the Friday following; and the third upon the Monday following; and from thence the rest of the said Appeals in course upon every Wednesday, Friday and Monday, until they shall be all heard and determined; and that in case any such Appeal shall not be adjourned by Order of this House, made before the Day on which the same is hereby appointed to be heard, and the Party or Parties on one side shall attend by their Counsel, and the Party

Party or Parties on the other ſide ſhall not attend by their Counſel on the ſaid Day appointed for hearing thereof, ſuch Appeal ſhall be heard *ex parte*, and in caſe neither of the Parties to ſuch Appeal ſhall attend by their Counſel on the ſaid Day appointed for hearing thereof, then ſuch Appeal ſhall ſtand abſolutely diſmiſſed, but without prejudice in this laſt caſe to the Appellant or Appellants preſenting any new Appeal thereafter, in ſuch Manner as the ſaid Appellant or Appellants might have done in caſe ſuch former Appeal had not been preſented to this Houſe, as he or they ſhall be adviſed.

99.

100.

THAT

99. THAT if the Reſpondent or Reſpondents to any Appeal depending in this Houſe ſhall be deſirous to exhibit a croſs Appeal, they ſhall preſent the ſame within one Week after their Anſwer put into the original Appeal, otherwiſe the ſame ſhall not be received.

Not to print without Leave of the Houſe.

100. IT ſhall be a Breach of the Privilege of this Houſe for any Perſon whatſoever to print, or publiſh in Print, any thing relative to the Proceedings of this Houſe, without the Leave of this Houſe.

30th July, 1707.

Fines.

Fines.

101. 2d Nov. 1692. WHEREAS the High Court of the Upper Houſe of Parliament do often find Cauſe, in their Judicature, to impoſe Fines amongſt other Puniſhments upon Offenders, for the good Example of Juſtice, and to deter others from like Offences, it is thought reaſonable that, at leaſt once before the End of every Seſſion, the Committee for the Orders of the Houſe and Privileges of the Lords of Parliament do acquaint the Houſe with all the Fines that

that have been laid that Seſſion, that thereupon their Lordſhips may uſe that Power they juſtly have to take off or mitigate ſuch Fines, either wholly or in part, according to the meaſure of the Penitence or Ability of the Offender, or to ſuffer all to ſtand, as in Equity their Lordſhips ſhall think fit; and that, until every Seſſion be ended, no Eſtreat be made of ſuch Fines ſet or impoſed by Parliament, or any Copy thereof to be made by the Clerk, without eſpecial Order, upon publick Motion in the full Houſe.

101.

3 Nov. 1692.

Trial

Trial of ſuch Perſons as ſhall be brought before the Lords.

102. As this Court is the higheſt, from whence others ought to draw their Light, ſo the Proceedings thereof ſhould be moſt clear and equal, as well on the one ſide in finding out Offences where there is juſt ground, as on the other ſide in affording all juſt means of Defence to ſuch as ſhall be queſtioned; and therefore in all Caſes of Moment, the Defendants ſhall have Copies of all Depoſitions, *pro et contrà*, after Publication, a convenient Time before the Hearing, to prepare themſelves.

Counſel

Counsel at the Bar.

103. NEITHER their Majesties Attorney General, nor any Assistant of this House, shall be allowed to be a Counsel for any private Person or Persons whatsoever, without the Leave of the House.

Counsel to be admitted.

104. IF the Defendants shall demand it of the House in due Time, they shall have their learned Counsel to assist them in their Defence, whether they be able by reason

reaſon of Health to anſwer in Perſon or not, ſo as they chooſe Counſel void of juſt Exception; and if ſuch Counſel ſhall refuſe them, they are to be aſſigned as the Court ſhall think fit. This is to be done, becauſe in all Cauſes, as well civil as criminal and capital, all lawful Helps cannot before juſt Judges make any one that is guilty to avoid Juſtice; and on the other ſide, GOD forbid that the Innocent ſhould be condemned!

Proxies.

Proxies.

105. No Lord of this House shall be capable of receiving more than two Proxies; no more to be numbered in any Question voted. All Proxies from a Spiritual Lord shall be made to a Spiritual Lord, and from a Temporal Lord to a Temporal Lord: All Proxies to be sent in due Form, or else not to be allowed.

Proxies

Proxies vacated.

106. If a Peer, having Leave from the King to be abſent from Parliament, give his Proxy, and afterwards ſit again in the Houſe, his coming, and ſitting again in that Parliament, determines that Proxy. If a Peer, having Leave to be abſent, make his Proxy and return, he cannot make a new Proxy, without new Leave.

Proxies

Proxies in Judicial Cauſes.

107. 30th July, 1707. No Proxy for the future ſhall be made uſe of in any judicial Cauſe in this Houſe, although the Proceedings be by way of Bill.

Proxies to vote.

108. A Lord having a Proxy and voting in the Queſtion, ought to give a Vote for that Proxy, in caſe Proxies be called for.

Proxies

Proxies entered after Prayers.

109. No Proxy entered in the Book after Prayers, ſhall be made uſe of the ſame Day in any Queſtion.

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